

# Local Government Environmental Ordinances

Environmental Review Commission

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N.C. League of Municipalities



# Agenda

- NC League of Municipalities Overview
- City Regulation
  - What do Cities Regulate?
  - Why do Cities Regulate?
- Existing Limits on Ordinance Powers
- Legislation Considerations

# What do cities regulate?

- Water Supply

- Drought planning/water shortage
- Cross-connection of water lines
- Protection of water supply via buffers
- Water system construction materials



# What do cities regulate?

- Wastewater Service
  - Sewer use ordinance
  - Fats, oils, and grease
  - Industrial pretreatment
  - Backflow prevention
  - Acceptance of septic waste
  - Wastewater system construction materials
  - Reclaimed water



# What do cities regulate?

- Stormwater

- Flooding: quantity-based controls, curb and gutter, buffers
- Sedimentation and erosion control, including steep slope
- Quality-based controls: Phase I, Phase II, Water Supply Watershed, nutrient management strategies



# What do cities regulate?

- Solid Waste Collection
  - Landfill materials
  - Yard Waste Recycling
- Hazardous Waste Management
- Hunting



# Why do cities regulate?

- Comply with federal and State permits
- Comply with federal and State laws and regulations
- Run state-delegated programs
- Promote economic development



# Existing Limits on Ordinance Powers §160A-174(b)

- (4) The ordinance purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law
- (5) The ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation





# Legislation Considerations

- Considerations with the concept of “more stringent than”:
  - What does it mean?
  - Ignores premise of federal and State environmental law, which is premised on:
    - (1) Flexibility to tailor to local conditions
    - AND
    - (2) Forced – though shared – responsibility for implementing laws
  - What if different, overlapping requirements apply in one jurisdiction?

# Questions and Comments?

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